

EXHIBIT 16

Wilson, Robert 12/14/2006 1:08:00 PM

<p style="text-align: center;">1</p> <p style="text-align: center;">FOR THE DISTRICT OF DELAWARE</p> <p>MONA DOBRICH and MARCO) DOBRICH, Individually and) as parents and next friend) of ALEXANDER DOBRICH,) SAMANTHA DOBRICH, JANE DOE) and JOHN DOE, Individually) and as parents and next) friend of JORDAN DOE and) JAMIE DOE,))) Plaintiffs,)) Civil Action v.) No. 05-120)) INDIAN RIVER SCHOOL,) DISTRICT, et al.,))) Defendants.)</p> <p style="text-align: center;">Videotaped Deposition of ROBERT WILSON, taken pursuant to notice at 31 Hosier Street, Selbyville, Delaware, beginning at 1:08 p.m., on Thursday, December 14, 2006, before Terry Barbano Burke, RMR-CRR and Notary Public.</p> <p>APPEARANCES: RICHARD S. HORVATH, JR., ESQUIRE BRIAN LENHARD, ESQUIRE One Rodney Square Wilmington, Delaware 19801 For the Plaintiff WILCOX & FETZER 1330 King Street - Wilmington, Delaware 19801 (302) 655-0477 www.wilfet.com</p>	<p style="text-align: center;">3</p> <p>1 I am here on behalf of the plaintiffs, along with Brian 2 Lenhard. 3 MR. SHAU: My name is Jarrod Shau. I'm 4 here on behalf of the defendants. 5 THE WITNESS: My name is Robert Wilson. 6 ROBERT WILSON, 7 the deponent herein, having first been 8 duly sworn on oath, was examined and 9 testified as follows: 10 BY MR. HORVATH: 11 Q. Mr. Wilson, you are a member of the Indian 12 River School Board; correct? 13 A. That's right. 14 Q. You have been a member since July 2006? 15 A. That's right. 16 Q. And I am going to show you what has been 17 marked PX-9. This is a copy of the school board prayer 18 policy. 19 Since you joined the school board, have 20 you reviewed this policy? 21 A. Yes. 22 Q. When did you review it? 23 A. Pretty much when I first came on the board. 24 Q. Was this policy given to you in a packet of</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES (cont'd): 2 JARROD SHAU, ESQUIRE Drinker, Biddle & Reath, LLP 3 One Logan Square 18th and Cherry Streets 4 Philadelphia, Pennsylvania 19103-6996 For the Defendants 5 ALSO PRESENT: 6 Lindsay duPhily, Videographer 7 8 - - - 9 VIDEO SPECIALIST: This is a videotape 10 deposition of Mr. Robert Wilson taken by the plaintiff 11 in the matter of Dobrich, et al. versus Indian River 12 School District, et al., Civil Action No. 05-120. 13 This is being held in the Indian River 14 School District offices, 31 Hosier Boulevard, 15 Selbyville, Delaware. 16 We are going on the record on December 17 14th, 2006, at approximately 1:08 p.m. 18 The court reporter is Terry Burke from 19 the firm of Wilcox & Fetzer, Wilmington, Delaware. My 20 name is Lindsay duPhily and the videotape specialist of 21 Discovery Video Services. 22 Counsel will now introduce themselves and 23 then the court reporter will swear in the witness. 24 MR. HORVATH: My name is Richard Horvath.</p>	<p style="text-align: center;">4</p> <p>1 other district policies? 2 A. Pretty much. Well, no. This was actually by 3 itself. 4 Q. By itself? 5 A. By itself. 6 Q. Who gave it to you? 7 A. I do not recall. I do not recall. 8 Q. Was it given to you at a school board meeting? 9 A. Yes, it was. 10 Q. And it was given to you after you joined the 11 board as a part of your orientation? 12 A. Yes -- no, not necessarily as an orientation, 13 but it was given to me after I joined the board. 14 Q. And after you received the policy, did you 15 discuss with any board members how the board prayer 16 policy operates? 17 A. No. 18 Q. Have you discussed with any school board 19 members what prayers would be prohibited under the 20 policy? 21 A. No. 22 Q. Have you discussed with any school board 23 members why the board opens its public meetings with 24 prayer?</p>

Wilson, Robert 12/14/2006 1:08:00 PM

<p style="text-align: right;">29</p> <p>1 want. It's just like a Jehovah Witness coming to my 2 house. I listen to what they have to say. I don't 3 agree with it, I'm not rude and I'm not ignorant. 4 The same thing is with other types of 5 religions. I'm very tolerant of other religions. If 6 they want to share that with me. I'm not saying my 7 religion's the only religion. That's not exactly at 8 all what I'm trying to do. 9 That's just my way of being taught, 10 that's my teaching. That's what I believe. 11 An atheist believes there's not a God. 12 That's his belief. That's fine. 13 Q. You said same opportunity. Do you understand 14 that the opportunity we're talking about here is 15 offering a prayer at the start of school board 16 meetings? 17 A. Yes. 18 Q. Are members of the community who are not 19 school board members offered an opportunity to give a 20 prayer at the start of school board meetings? 21 A. No. 22 Q. So they don't have the same opportunity that 23 you have when it comes to offering a prayer at school 24 board meetings?</p>	<p style="text-align: right;">31</p> <p>1 you physically when you ask for the intervention? 2 A. Yes, it does. I think when you do it in the 3 public like that, I think it shows that you can come 4 together, and that's one thing that a lot of people 5 have in common. And when we say a prayer at a board 6 meeting, 99 percent of the people do take part. 7 Q. Of the people, you mean the people present? 8 A. Of the people present, they do take part. I 9 have been able to look around at several times and 10 there are people that have heads bowed. We have not 11 had anybody run out in a rave, I guess you would say. 12 It's just a way to publicly come together as a board. 13 Q. Thank you, sir. 14 The board prayer in some way is for the 15 benefit of everyone in attendance? 16 A. That's exactly right. 17 Q. And the public will not benefit from that if 18 the board prayer is outside of the public's presence? 19 A. I don't think it shows the same kind of unity. 20 We want the public to take part in the prayer. That's 21 the whole thing behind the public board meeting. If a 22 person wants to come forward after a meeting and say 23 that there was an issue with that, I can see us 24 changing it, rewording it, working with them, maybe</p>
<p style="text-align: right;">30</p> <p>1 A. No. 2 Q. Why is it of the utmost importance to ask and 3 pray for divine guidance from Our Heavenly Father? 4 A. I would say, I have to look at our 5 Constitutional government, our House of Representatives 6 opens up with a word of prayer. Why is it important 7 for them to do it? We feel -- I think people on the 8 board feel whether it -- when we pray to God, now 9 understand that a God, when I say God, I'm praying to 10 God, or you're praying to God, you could mean Allah or 11 any other God, but praying to God is praying to God. 12 Do you understand what I mean by that? 13 Q. Unfortunately, sir, I don't feel like you're 14 answering my question. I asked you why is it 15 important? 16 A. It's more of a -- it's just a way, I guess, we 17 communicate through God asking for his divine 18 intervention. Okay, to a God for divine intervention, 19 whether it be my God or another person's God. 20 Q. Do you believe that divine intervention will 21 help you make better decisions? 22 A. Yes, I do. 23 Q. It doesn't matter where you ask for divine 24 intervention, does it? And by where, I mean where are</p>	<p style="text-align: right;">32</p> <p>1 even offering them to say a prayer. 2 Q. Do you think that's likely after what happened 3 to the Dobriches? 4 A. Yes, I do. 5 Q. I am going to show you a copy of what's been 6 previously marked as PX-72. 7 It's a copy of the May 3rd, 2006 issue 8 of the Delaware Wave. 9 A. Okay. 10 Q. If you will look on the second page, it's 11 marked P-2439 at the bottom. I think you're already on 12 it. 13 A. Yeah. 14 Q. Were you sent a series of questions for this 15 article? 16 A. Yes, I was. 17 Q. And did one of those questions involve the 18 prayer suit? 19 A. I don't -- let me look here and I'll tell you. 20 It evidently was, yes. 21 Q. You responded to, I guess it's a query, On 22 board's refusal to settle prayer suit, your response 23 was, "I am very proud of this school board and the 24 stand they took. It took a lot of courage to stand</p>

EXHIBIT 17

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, DECEMBER 21, 2004 – 7:30 P.M.
FRANKFORD ELEMENTARY SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Harvey L. Walls called the Regular Meeting of the Indian River School District Board of Education to order at 7:30 p.m.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, John M. Evans, Gregory A. Hastings, Donald G. Hattier, Reginald L. Helms, (Mrs.) Elaine McCabe, Harvey L. Walls

Board Members Absent: Richard H. Cohee, Mark A. Isaacs

APPROVAL OF AGENDA - Regular and Executive – December 21, 2004

The following item was added to the Executive Session Agenda:

IV. C. Major Cap Payment Voucher Authorizations

It was moved by Mr. Helms, seconded by Mrs. McCabe, to approve the Regular Agenda and the Executive Session Agenda as amended. The motion passed unanimously (8-0).

PRESENTATION OF COLORS

The Presentation of Colors was performed by the Indian River High School Marine JROTC.

President Walls asked Mr. Evans to give an invocation, noting that it is the history of the Board to have a prayer at the beginning of the meeting, which is voluntary among the members of the Board of Education.

APPROVAL OF MINUTES

Board of Education Special Meeting – November 1, 2004

Board of Education Regular Meeting Minutes – November 16, 2004

It was moved by Mr. Evans, seconded by Mr. Helms, to approve the minutes as recorded. The motion passed unanimously (8-0).

VISITORS AND STAFF IN ATTENDANCE

The Southern Delaware School of the Arts Steel, The Show Band performed a Holiday Presentation. Members of the band are: John Hardy, Darien Dennis, Tucker Smawley, Robbie Syphard, Lucas Kerns, Courtney Colegrove, Connor Vanderhook, Matt Beil, Jaclyn Rust, Maurice Hein, Stephen Jacobs, Martin Kirby, Justin Herbts, Taylor Kerns, Alex Gunderman, Zach Smith, Alyssa Murray, Cierra Silvermail, and John Syphard, Director.

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 2

President Walls and Ms. Hobbs recognized and presented certificates to the following for their accomplishments:

Community/School Partnership

Peter Martin - Dedicated Service to Sussex Central Cross Country Team

School Bus Safety Poster Contest Winner (Div. IV)

Mayreli Molina-Chavez (SM)

Delaware Association of Student Council -- Middle School Division

Abigail Boettiger (SM) - Secretary

Alexandra Roenke (SM) - Treasurer

Carl M. Freeman Foundation

Renee Clarke (FE)

"F.A.C.E.S."

MBNA Grants

Renee Clarke (FE)

"HOSTS IV"

Linda Hockman (PS)

"Listening Center at Showell"

"Literacy Bags"

Cheryl Carey (PS)

"Good Character Shines"

Melody Page (PS)

"Orff-Schulwerk at Showell"

Crissie Renner, Sheila Evans, Susan Deery (PS)

"Poetry Alive"

Janet Hickman (LB)

"Leveled Readers"

Mary Norton (NG)

"T.A.R.D.E.S. IV"

National Board Certification

Joanne Gichner (LB), Wendy Murray (LB), Karen Fabryka (LB)

Mary Norton (NG), Cliff Lawson (SS), Karen Willey (CM)

Patricia Jennings (SM)

OTHER VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Janet Hearn, Earl Savage, Mike Owens, Susan Bunting, Patrick Miller, Jay Headman, Greg Weer, Carmen Deldeo, Charles Hudson, Denise Speicher, Darlene St. Peter, David Maull, Vince Catania, Mike Kline, Donna Hall, Tim Fannin, Jacqueline Wisnauskas, Ivan Neal, Mark Steele, Brice Reed, Sharon Brittingham, Gary Brittingham, Mike Williams, Char Hopkins, Janet Hickman, Jimmie Hudson, Marco Dobrich, Mona Dobrich, Samantha Dobrich, Phyllis Levitt, Cecil Wilson, Darrell Neale, Rhonda Tuman, Mary Sue Drugash, Pat Varie, Patricia Tibers, Heidi Vanderhook, Sheila Parker, Morgan Kerns, Katie Gichner, Mike Gichner, Ben Gichner, Joanne Gichner, Alan Colegrove,

BPD 000250

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 3

Patricia Jennings, Alison Jennings, Abigail Boettiger, Heidi Boettiger, Gary Boettiger, Alex Roenke, Michele Roenke, Kathy Kay, Karen Willey, Scott Willey, Ben Willey, Jane Baker, Joan Willey, Phil Willey, Bob Lawson, Diana Lawson, Meg Lawson, Clifford Lawson, Melody Page, Lori Hudson, Mayreli Molina-Chavez, Eduardo Molina-Chavez, Patricia Anderson, Alisa West, Jed West

STUDENT GOVERNMENT

There was no report.

PUBLIC COMMENTS

Mona Dobrich

Mrs. Dobrich noted that she had requested clarification through her attorney on the recently adopted policies regarding religion. However, she had not yet received a response. She stated that she and her son moved away from Georgetown to the city due to the continued harassment of community members because of this issue.

Phyllis Levitt

Phyllis Levitt, President of the American Civil Liberties Union, commended the Board for the recently adopted policies regarding religion. She expressed the importance of being sensitive to a diverse population.

OLD BUSINESS

Major Capital Improvements

Progress Report

Indian River High School

Mr. Headman reported that work is moving forward at the Indian River High School. Work on the punch list is being done in the classroom wings. Inspections by the Board of Health will be done in the cafeteria in early January. The auxiliary gym is done with the exception of the basic molding and the divider curtain. The floor in the main gymnasium is done. It is anticipated that work in the auditorium will be completed by the end of January.

Sussex Central High School

Mr. Headman reported that Zimmer should soon be finished with the corrective work in the penthouses. Sussex Irrigation experienced a problem with the pump while testing the irrigation system. All fields have been seeded except the football field. Islands and grounds around the building will be done in early spring. The auxiliary gym floor will be completed during the spring break. Mr. Headman noted that plans are still in place to hold the wrestling tournament at Sussex Central High School. They are exploring options of covering the auxiliary gym floor.

BPD 000251

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 4

Sussex Central High School Classroom Accommodations

Ms. Hobbs recommended approval of the proposed costs associated with providing additional classroom space at Sussex Central High School due to the delay in getting Wing B completed. These costs will cover three storage trailers and renovations to the pole barn and the greenhouse. Mr. Hastings reported that this proposal was discussed at the Buildings & Grounds Meeting and that the funds would be taken from construction contingency. Mr. Miller noted that he would also explore other avenues of funding for this project. It was moved by Dr. Hattier, seconded by Mr. Helms, to approve the superintendent's recommendation. The motion passed unanimously (8-0).

Alternate Bid Instructions at Lord Baltimore Elementary School

Mr. Headman reviewed the revised Value Engineering Proposal, the revised Project Cost Summary, and the floor plan for the Additions and Renovations at the Lord Baltimore Elementary School. These items were also reviewed and approved at the Buildings & Grounds Committee Meeting on December 13, 2004. It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Alternate Bid Instructions for the Additions and Renovations of the Lord Baltimore Elementary School with the seven alternates as listed and with the interior painting as discussed. The motion passed unanimously (8-0).

Georgetown Middle School Renovations

Mr. Headman reviewed the revised Value Engineering Proposal, the revised Project Cost Summary and the floor plan for the Renovations to the Georgetown Middle School. These items were reviewed and approved at the Buildings & Grounds Committee Meeting on December 13, 2004. It was moved by Mr. Hastings, seconded by Mr. Bireley, to approve the revised Georgetown Middle School Renovations with interior painting as discussed. The motion passed unanimously (8-0).

School Choice Applications

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the School Choice Applications as recommended. The motion passed unanimously (8-0).

NEW BUSINESS

School Board Elections - Tuesday, May 10, 2005 - 10:00 a.m. to 8:00 p.m.

Ms. Hobbs informed the Board that School Board Elections would be held on Tuesday, May 10, 2005 from 10:00 a.m. to 8:00 p.m. Elections will be held for seats in the following districts:

District No. 3 Nina Lou Bunting

District No. 4 Donald Hattier

District No. 5 Reggie Helms

District No. 5 Elaine McCabe

Ms. Hobbs thanked all Board members for their dedicated service to the students of the Indian River School District..

BPD 000252

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 5

Select Date for Legislative Dinner – March 7, 2005

Ms. Hobbs reported that the staff had selected Monday, March 7, 2005, for the annual Legislative Dinner. If there are no objections from the Board, letters will be sent inviting our legislators. There were no objections.

Administrative Compensation Committee

President Walls appointed Mr. Bireley as the chairman of the Administrative Compensation Committee. He also appointed Dr. Hattier, Dr. Owens, Mr. Miller, and Mr. Brittingham as members of the committee.

COMMITTEE REPORTS AND APPOINTMENTS

Buildings & Grounds Committee

Buckle Up Program

Mr. Hastings apprised the Board of the "Buckle Up Stencil Project" sponsored by the Delaware Office of Highway Safety and the University of Delaware Cooperative Extension Office. This project would provide the painting of the "Buckle-Up" stencil in the school driveways with no cost to the district. The Buildings & Grounds Committee recommended approval. It was moved by Mr. Hastings, seconded by Dr. Hattier, to approve participation in the "Buckle Up Stencil Project." The motion passed unanimously (8-0).

Curriculum Committee

Mrs. McCabe reported that the Curriculum Committee met on December 16, 2004. Items discussed included the music and choral curriculum and the textbook review schedule. At the meeting in January, the committee will discuss exploratories at the middle schools.

DSBA Board of Directors Representative

Mrs. Bunting reported that there was no meeting this month and the minutes of November 10, 2004 were included in the Board Packet.

DSBA Legislative Committee

Mr. Bireley reported that there was no meeting this month.

Finance Committee

Mr. Evans reported that the next meeting will be January 13, 2005.

Mary Bailey Scholarship Committee

There was no report.

Negotiations Committee

There was no report.

BPD 000253

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 6

Policy Committee

President Walls reported that the next meeting of the Policy Committee will be held in January.

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Ms. Hobbs reported that she had visited several schools and attended many excellent holiday concerts.

Ms. Hobbs formally announced her retirement effective June 30, 2006. She expressed her gratitude to have been a part of the Indian River School District, and thanked the students, parents, teachers, administrators, and Board members for their support.

Curriculum Update

The Curriculum Update for the month of December was included in the Board Packet.

Change in date of Sussex Central High School Spanish 4 Classes Field Trip from February 4 to January 7, 2005

Ms. Hobbs informed the Board that the Sussex Central High School Spanish 4 Classes Field Trip was changed from February 4 to January 7, 2005.

FINANCIAL

Regular Invoices

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the payment of the Regular Invoices. The motion passed unanimously (8-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the period ending November 30, 2004

Major Cap Financial Summaries

Mr. Miller reviewed the Major Cap Financial Summaries for the period ending November 30, 2004.

Major Cap Change Orders

Mr. Miller recommended approval of the Major Cap Change Orders in the amount of \$442,925, of which \$420,343 is adjustments in the encumbrances in order to reserve funds for actual expenditures. It was moved by Mr. Bireley, seconded by Mr. Helms, to approve Mr. Miller's recommendation regarding the Major Cap Change Orders. The motion passed unanimously (8-0).

BPD 000254

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 7

Major Cap Payment Voucher Authorizations

Indian River Project and Sussex Central High School Project

It was moved by Mr. Bireley, seconded by Mr. Helms, to table the Major Cap Payment Voucher Authorizations until after Executive Session. The motion passed unanimously (8-0).

COMMUNICATIONS

Conference Requests (None)

Use of Facilities

Use of North Georgetown Elementary School Multi Purpose Room by First Baptist Church of Georgetown – April 2, 2005

Use of Southern Delaware School of the Arts Auditorium/Cafeteria by Zoar United Methodist Church – February 19, 2005

Ms. Hobbs recommended approval of the two Use of Facilities' requests. It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the superintendent's recommendation to approve the Use of Facilities' requests. The motion passed unanimously (8-0).

Correspondence

Thank you note from Nina Lou Bunting

Ms. Hobbs shared a thank you note from Mrs. Bunting for the acts of kindness expressed to her and her family during the loss of her mother.

Field Trips

Day trip by Selbyville Middle School 7th Grade (All-Stars) -February 26, 2005 to Blakeslee, PA

Day trip by Sussex Central Middle School 6th Grade (Eagles) – February 24, 2005 to Philadelphia, PA

Day trip by Sussex Central Middle School 6th Grade (Allies) – February 23, 2005 to Philadelphia, PA

Day trip by Sussex Central Middle School 6th Grade (Rookies) -- February 22, 2005 to Philadelphia, PA

Day trip by Frankford Elementary School 5th Grade – March 23, 2005 to Philadelphia, PA

Day trip by Indian River High School Spanish III Classes – March 3, 2005 to New York City

Day trip by Indian River High School Cheerleading Squad – February 26 and 27, 2005 to Ocean City, MD

Overnight trip by Southern Delaware School of the Arts Steel, The Show Band – February 4-13, 2005 to Trinidad

Ms. Hobbs recommended approval of the eight field trips. It was moved by Mr. Hastings, seconded by Mr. Helms, to approve the eight field trips as recommended by the superintendent. The motion passed unanimously (8-0).

BPD 000255

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 8

STAFF

Personnel Agenda, Personnel Addendum, Employee No. 05-05 PER, Employee No. 05-06 PER, Employee No. 05-07 PER, Employee No. 05-08 PER, and Superintendent Search

It was moved by Mr. Helms, seconded by Mr. Bireley, to table Personnel Agenda, Personnel Addendum, Employee No. 05-05 PER, Employee No. 05-06 PER, Employee No. 05-07 PER, Employee No. 05-08 PER, and Superintendent Search until after Executive Session. The motion passed unanimously (8-0).

PUBLIC COMMENTS

There were no Public Comments.

EXECUTIVE SESSION

It was moved by Mr. Helms, seconded by Mrs. McCabe, to go into Executive Session at 9:45 p.m. The motion passed unanimously (8-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Dr. Hattier, seconded by Mr. Hastings, to reconvene in Regular Session at 12:10 a.m. The motion passed unanimously (8-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda and Personnel Addendum

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Personnel Agenda and Personnel Addendum. The motion passed unanimously (8-0).

Employee No. 05-05 PER

There was no discussion.

Employee No. 05-06 PER

It was moved by Mr. Bireley, seconded by Mr. Evans, to approve the Superintendent's recommendation regarding Employee No. 05-06 PER. The motion passed unanimously (8-0).

BPD 000256

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 9

Employee No. 05-07 PER

The Board authorized President Walls to accept the resignation of Employee No. 05-07 PER. This item will then be placed on the next Personnel Agenda.

Employee No. 05-08 PER

It was moved by Dr. Hattier, seconded by Mr. Helms, to approve the Board's recommendation regarding Employee No. 05-08 PER. The motion passed (7-1).
For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Mrs. McCabe
Against the Motion: Mr. Walls

Superintendent Search

There was no discussion.

STUDENT HEARINGS

Student No. 04-61

It was moved by Dr. Hattier, seconded by Mr. Evans, to allow Student No. 04-61 to be reinstated in school on January 27, 2005. The motion passed unanimously (8-0).

Student No. 05-11, Student No. 05-12, Student No. 05-13, Student No. 05-14, Student No. 05-15

It was moved by Mr. Helms, seconded by Mr. Bireley, to approve the Hearing Officers' recommendations on Student No. 05-11, Student No. 05-12, Student No. 05-13, Student No. 05-14, and Student No. 05-15. The motion passed unanimously (8-0).

Student No. 05-16

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Hearing Officer's recommendation excluding Homebound Instruction on Student No. 05-16. The motion passed unanimously (8-0).

Student No. 05-17 and Student No. 05-18

It was moved by Mr. Bireley, seconded by Dr. Hattier, to allow Student No. 05-17 and Student No. 05-18 to return to school on January 3, 2005 and to be placed on Social Probation for the remainder of this school year. The motion failed (5-2-1).
For the Motion: Mr. Bireley, Mrs. Bunting, Dr. Hattier, Mr. Helms, Mrs. McCabe
Against the Motion: Mr. Hastings, Mr. Walls
Abstained: Mr. Evans

It was moved by Mrs. McCabe, seconded by Mr. Evans, to approve the Hearing Officer's recommendation on Student No. 05-17 and Student No. 05-18. The motion failed (3-4-1).

For the Motion: Mr. Evans, Mr. Hastings, Mr. Walls
Against the Motion: Mr. Bireley, Mrs. Bunting, Mr. Helms, Mrs. McCabe
Abstained: Dr. Hattier

BPD 000257

BOARD OF EDUCATION REGULAR MEETING MINUTES

December 21, 2004

Page 10

Student No. 05-17 and Student No. 05-18 (Continued)

It was moved by Mrs. Bunting, seconded by Mrs. McCabe, to expel with Homebound Instruction Student No. 05-17 and Student No. 05-18 until the beginning of the second semester and to place them on Social Probation for the remainder of the school year. The motion passed unanimously (8-0).

Student No. 05-19, Student No. 05-20, Student No. 05-21, Student No. 05-22

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Hearing Officers' recommendations on Student No. 05-19, Student No. 05-20, Student No. 05-21, and Student No. 05-22. The motion passed unanimously (8-0).

Student No. 05-23

It was moved by Mr. Helms, seconded by Mrs. McCabe, to approve the Hearing Officer's recommendation excluding Homebound Instruction on Student No. 05-23. The motion passed (7-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Mrs. McCabe

Against the Motion: Mr. Walls

Major Cap Payment Authorizations

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Major Cap Payment Authorizations as recommended by Mr. Miller. The motion passed unanimously (8-0).

ADJOURNMENT

It was moved by Mr. Helms, seconded by Mr. Bireley, to adjourn the meeting at 12:28 a.m. The motion passed unanimously (8-0).

Respectfully submitted,



(Ms.) Lois M. Hobbs
Secretary and Superintendent
Board of Education
Indian River School District

Harvey L. Walls
President
Board of Education
Indian River School District

HLW/LMH:jlh

BPD 000258

EXHIBIT 18

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, JUNE 21, 2005 – 6:30 P.M.
FRANKFORD ELEMENTARY SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Harvey L. Walls called the Regular Meeting of the Indian River School District Board of Education to order at 6:30 p.m.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, John M. Evans, Gregory A. Hastings, Donald G. Hattier, Reginald L. Helms, Mark A. Isaacs, (Mrs.) Elaine McCabe, Harvey L. Walls
Board Member Absent: Richard H. Cohee

APPROVAL OF AGENDA - Regular and Executive – June 21, 2005

The following item was added to the Executive Session Agenda:

IV. E. No. 05-08 PL

It was moved by Mr. Helms, seconded by Mr. Bireley, to approve the Regular Agenda and the Executive Session Agenda as amended. The motion passed unanimously (9-0).

EXECUTIVE SESSION (6:30 – 7:30 p.m.)

Superintendent Search

It was moved by Mrs. Bunting, seconded by Mr. Evans, to go into Executive Session at 6:33 p.m. The motion passed unanimously (9-0).

RECONVENE (7:30 p.m.)

It was moved by Mr. Helms, seconded by Mrs. Bunting, to reconvene in Regular Session at 7:30 p.m. The motion passed unanimously (9-0).

President Walls noted that it is the history of the Board to have a prayer at the beginning of the meeting, which is voluntary among the members of the Board of Education and the audience is not required to participate. President Walls then asked Mrs. McCabe to share an invocation.

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 2

APPROVAL OF MINUTES

Board of Education Regular Meeting Minutes – May 24, 2005

Board of Education Special Meeting Minutes – June 9, 2005

The following correction was made to the June 9, 2005 Special Board Meeting Minutes:

The vote taken for the Principal at Frankford Elementary School should be (7-0-1).

For the Motion: Mr. Bireley, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms,

Mrs. McCabe, Mr. Walls

Abstained: Mrs. Bunting

It was moved by Mr. Hastings, seconded by Mr. Helms, to approve the May 24, 2005 Regular Meeting Minutes and the June 9, 2005 Special Meeting Minutes as amended. The motion passed unanimously (9-0).

VISITORS AND STAFF IN ATTENDANCE

President Walls and Mr. Savage recognized and presented certificates to the following for their accomplishments:

Social Studies Teacher of the Year - Jeanine Moore (LN)

Presidential Award for Excellence in Mathematics - Mary Jane Short (LN)

Counselor of the Year – Lisa Hunt (LN)

Governor's Marine Science Teacher of the Year - Todd Fritchman (IR)

Odyssey of the Mind Team - Worlds Finalists – 2nd Place

Lisa Forney - Coach

Kourtney Bastianelli, G. Jay Christian, Cameron Dukes,

Joseph Garvilla, Elaina Layell, Kyle Marvel, Drew Stewart

State Softball Champions - Sussex Central Girls' Softball Team

John Wells, Coach

Erica Brittingham, Jamie Bunting, Amanda Cordrey, Amy Donovan, Christin Headley,

Beth Hitchens, Brandy Jester, Sara McCabe, Brooke Shockley, Candice Shockley,

Michelle Smith, Kristen Tomlinson, Shanette White, Lindsay Watson, Mindy Willing,

Amber Zschiedrich

Henlopen Conference Founder's Cup - Indian River High School

Mark Steele and Dale Steele

MBNA Grant

Andrea King (CM) "Readers Can Be Writers"

MBNA Helen F. Graham Award

Andrea King (CM)

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 3

OTHER VISITORS AND STAFF IN ATTENDANCE

Earl Savage, Janet Hearn, Patrick Miller, Susan Bunting, Jay Headman, John Mitchell, Charles Hudson, Carmen Deldeo, Cathy Miller, Sharon Brittingham, Vince Catania, Char Hopkins, David Maull, Laren Hughes, Mary Jane Short, Kenny Short, Patrice Pikulsky, Cathy Berzins, Karen Ware, Sam Harvey, Pat Varine, Jay Christian, Drew Stewart, Cameron Dukes, Kyle Marvel, Kourtney Bastianelli, Joe Garvila, Kerry Stewart, Beth Garvilla, Julie Garvilla, Stacey Garvilla, Keith Marvel, Ruth Ann Marvel, Keili Marvel, Cayla Christian, Lisa Christian, Greg Christian, Chris Dukes, Patricia Dukes, Becky Bastianelli, Bryan Groveston, Lisa Forey, Amy Donovan, Jamie Bunting, Carol Bunting, Cathy Headley, Christin Headley, Maureen Nicholson, Carol Buchler

PUBLIC COMMENTS

Patrice Pikulsky, SOS Committee

Ms. Pikulsky reported that members of the Safety in Our Schools Committee met with Ms. Hobbs on June 6, 2005. At that meeting, the questions presented to the Board on May 24, 2005 were addressed. She also reported that Representative Hocker and Senator Bunting had informed her that they hope to be successful in obtaining \$2,000,000 for Indian River School District. She urged the Board to reverse their decision regarding the termination of the Safety and School Climate positions.

Cathy Berzins

On behalf of the SOS Committee, Mrs. Berzins asked that the Board retain the current Safety and School Climate positions for the upcoming school year. The committee will continue its efforts to secure funding for the positions in the future. The programs are successful and should be maintained.

OLD BUSINESS

Major Capital Improvements

Progress Report

Indian River High School

Mr. Weer reported that Areas A, B, C, D, and E and the sitework are substantially complete. Surfacing of the tennis courts was being done today. The landscaping is 95% complete. He commended Mr. Steele and his staff for their work in moving from the John M. Clayton building into the new Indian River High School. Also, they have begun to move materials from Lord Baltimore into the John M. Clayton building.

Sussex Central High School

Mr. Weer reported that they are beginning to work on the punch list items that could not be addressed until students were out. They are continuing to repair the roof leaks. The flooring contractor is finalizing the assessment of the flooring. In the auditorium, the seating is being installed and the curtain is being hung. The water flows have been balanced in the thermal storage units.

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 4

Georgetown Middle School

Mr. Weer reported that asbestos abatement is being done as well as some demolition work at Georgetown Middle School. After teachers are out, work will begin in the elementary classrooms. The construction and sitework will begin in two to three weeks.

Lord Baltimore Elementary School

Mr. Weer reported that staff members are moving out of Lord Baltimore into the John M. Clayton building. The asbestos abatement will begin on June 27. They are starting the demolition work in the gym area. The town of Ocean View has approved the plan review for the east end of the building. DNREC and Fire Marshal permits are expected soon, as well as the approval for the annexation into the Town of Ocean View.

School Choice Applications

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the School Choice Applications and School Choice Applications Addendum as recommended. The motion passed unanimously (9-0).

NEW BUSINESS

FY'06 Tax Rates - Minor Cap, Tuition, and Debt Service

Mr. Miller reviewed the FY 2006 Tax Rate Proposal. He recommended that the property tax assessment for the Indian River School District be adjusted from \$2.289 per every \$100 of assessed valuation to \$2.240 per every \$100 of assessed valuation for the FY 2006 fiscal period. Mr. Evans noted that the Finance Committee has reviewed and approves the recommendation. It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the FY 2006 Tax Rate at \$2.240 per every \$100 of assessed valuation as recommended. The motion passed unanimously (9-0).

Senior Citizen Tax Discount

Mr. Miller explained that the Senior Citizen Tax Discount cannot be revoked as was previously discussed.

Legislative Update

Mr. Miller reviewed the recently signed legislation related to education of the 143rd General Assembly.

COMMITTEE REPORTS AND APPOINTMENTS

Administrative Compensation Committee

There was no report.

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 5

Buildings & Grounds Committee

Certificates of Necessity - Roofs

Mr. Hastings reported that the Buildings & Grounds Committee met on June 6, 2005 at Indian River High School. The committee has reviewed the cost estimates for having the roofs replaced at Selbyville Middle School, Long Neck Elementary School and North Georgetown Elementary School, and recommends that the Certificates of Necessity be submitted to the Department of Education for approval to go to referendum. Many avenues have been explored to correct the leakage problems at these three schools; however, they have been unsuccessful. It was moved by Mr. Hastings, seconded by Dr. Hattier, to submit the Certificates of Necessity for roof replacements at Selbyville Middle School, Long Neck Elementary School and North Georgetown Elementary School. The motion passed unanimously (9-0). The next Buildings & Grounds Meeting will be held on July 11, 2005 at Sussex Central High School.

Curriculum Committee

Mrs. McCabe reported that the Curriculum Committee met on June 14, 2005. They discussed the DSTP scores and staffing needs.

DSBA Board of Directors Representative

Mrs. Bunting noted that she was unable to attend the last DSBA Board of Directors Meeting because the District's Retirement Banquet was held the same evening.

DSBA Legislative Committee

Mr. Bireley reported that the next meeting of the DSBA Legislative Committee will be held on June 22, 2005 at Legislative Hall.

Finance Committee

Mr. Evans reported that the Finance Committee met on June 14, 2005. The committee reviewed the Tax Rate Proposal for FY 2006. The next Finance Committee Meeting will be held in September 2005.

Mary Bailey Scholarship Committee

There was no report.

Negotiations Committee

Nutrition Services Managers' Contract and Nutrition Services Technical Assistants' & General Workers' Contract

It was moved by Mr. Helms, seconded by Mr. Bireley, to table the Nutrition Services Managers' Contract and the Nutrition Services Technical Assistants' & General Workers' Contract until Executive Session. The motion passed unanimously (9-0).

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 6

Policy Committee

2nd Reading

EHAA Internet Access Policy and JG Student Discipline

Mr. Walls recommended approval of Policy EHAA Telecommunication Access Policy and Policy JG Student Discipline. It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve Policy EHAA Telecommunication Access Policy and JG Student Discipline. The motion passed unanimously (9-0).

IKA Grading Systems and IKF Graduation Requirements

Mr. Walls recommended that Policy IKA Grading Systems and Policy IKF Graduation Requirements be tabled until next month. It was moved by Mr. Helms, seconded by Mr. Bireley, to table Policy IKA Grading Systems and Policy IKF Graduation Requirements until next month. The motion passed unanimously (9-0).

Superintendent Search Committee

There was no report.

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Mr. Savage reported that Ms. Hobbs had visited several schools and attended end-of- the-year activities.

Curriculum Update

Mr. Savage noted that the Curriculum Update for the month of June was included in the Board Packet.

July 1, 2005 Organizational Meeting at 8:00 a.m.

It was decided to have the July 1, 2005 Organizational Meeting at Sussex Central High School at 8:00 a.m. President Walls reminded board members that everyone must attend.

FINANCIAL

Regular Invoices

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the payment of the Regular Invoices. The motion passed unanimously (9-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the period ending May 31, 2005.

Major Cap Financial Summaries

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 7

Mr. Miller reviewed the Major Cap Financial Summaries for the period ending May 31, 2005.

Major Cap Change Orders

Mr. Miller reviewed the Major Cap Change Orders for the period ending June 16, 2005. It was moved by Mr. Bireley, seconded by Mr. Hastings, to approve the Major Cap Change Orders in the amount of \$36,133. The motion passed unanimously (9-0).

Major Cap Payment Voucher Authorizations

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the Major Cap Payment Voucher Authorizations for the period ending June 16, 2005 to Glover Equipment Co., Inc., Venzie, Phillips & Warshawer, PA, and White Marsh Environmental. The motion passed unanimously (9-0).

It was moved by Mr. Evans, seconded by Mr. Hastings, to approve the Major Cap Payment Voucher Authorization Addendum for the period ending June 21, 2005 in the amount of \$124,797.70. The motion passed unanimously (9-0).

Major Cap Final Payment Voucher Authorizations

There were no Final Payment Voucher Authorizations.

Bid No. 36-05-10 Roof Renovations

Mr. Weer reported that the Buildings & Grounds Committee has reviewed the bids and recommends approval of the bids and alternates to the low bidder, Quality Exteriors, Inc. It was moved by Mr. Helms, seconded by Mr. Bireley to award Bid No. 36-05-10 Roof Renovations to the low bidder, Quality Exteriors, Inc. in the amount of \$123,400 as recommended. The motion passed unanimously (9-0).

Benefit Insurance Quotes

Mr. Miller reported that in an effort to reduce operating costs, quotes were solicited for life insurance, accidental death and dismemberment, and long-term disability coverage. He recommended that L & W Insurance and Standard be awarded the quotes for this coverage, noting that the coverage is equal to or better than our current coverage. The quotes are for a three-year period, which will generate an annual savings of approximately \$125,000. It was moved by Mr. Evans, seconded by Dr. Hattier, to approve the recommendation. The motion passed unanimously (9-0).

COMMUNICATIONS

Conference Requests (None)

Use of Facilities

Use of Phillip Showell Elementary School Grounds by House of Prayer – August 6, 2005

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 8

It was moved by Dr. Hattier, seconded by Mr. Hastings, to approve the Use of Facilities request. The motion passed unanimously (9-0).

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 9

Correspondence

Letter from Selbyville Middle School Students

Mr. Savage shared a letter signed by several Selbyville Middle School students requesting that the discipline positions be maintained in order to ensure safety in the building.

Field Trips (None)

STAFF

Personnel Agenda, Personnel Addendum, Small School Assistant Principals' Positions,

Superintendent Search

It was moved by Mr. Bireley, seconded by Mr. Helms, to table Personnel Agenda, Personnel Addendum, Small School Assistant Principals' Positions, and Superintendent Search until Executive Session. The motion passed unanimously (9-0).

PUBLIC COMMENTS

Mr. Savage, on behalf of Ms. Hobbs, thanked Cathy Miller for her work and wished her success in her future endeavors.

President Walls thanked the board members for their support during the past two years. He also thanked the administration for their hard work and dedication to the district.

EXECUTIVE SESSION

It was moved by Mr. Helms, seconded by Dr. Hattier, to go into Executive Session at 9:25 p.m. The motion passed unanimously (9-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Dr. Isaacs, seconded by Dr. Hattier, to reconvene in Regular Session at 12:50 a.m. The motion passed unanimously (9-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Negotiations

Nutrition Services Managers' Contract and Nutrition Services Technical Assistants' & General Workers' Contract

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Nutrition Services Managers' Contract and the Nutrition Services Technical Assistants' & General Workers' Contract. The motion passed unanimously (9-0).

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 10

Personnel Agenda

It was moved by Mr. Helms, seconded by Mr. Evans, to approve the Personnel Agenda excluding the Assistant Varsity Football Coach at Indian River High School. The motion passed (8-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Mrs. McCabe, Mr. Walls

Against the Motion: Dr. Isaacs

It was moved by Mr. Helms, seconded by Dr. Isaacs, to approve the Assistant Varsity Football Coach at Indian River High School. The motion passed (8-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Dr. Isaacs, Mr. Helms, Mrs. McCabe

Against the Motion: Mr. Walls

Personnel Addendum

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Personnel Addendum. The motion passed unanimously (9-0).

Pending or Potential Litigation

No. 05-08 PL

It was moved by Dr. Hattier, seconded by Mrs. Bunting, to authorize the board members attending the meeting on June 24, 2005 to make the necessary decision regarding No. 05-08 PL. The motion passed unanimously (9-0).

STUDENT HEARINGS

Student No. 05-69, Student No. 05-72, Student No. 05-73, Student No. 05-74

Student No. 05-75, Student No. 05-76, Student No. 05-77, Student No. 05-78

Student No. 05-79, Student No. 05-81

It was moved by Mr. Helms, seconded by Mrs. Bunting, to approve the Hearing Officers' Recommendations on Student No. 05-69, Student No. 05-72, Student No. 05-73, Student No. 05-74, Student No. 05-75, Student No. 05-76, Student No. 05-77, Student No. 05-78, Student No. 05-79, and Student No. 05-81. The motion passed unanimously (9-0).

Major Cap Progress Reports

Sussex Central High School

It was moved by Mr. Hastings, seconded by Dr. Hattier, to move forward with completing the work on the Sussex Central High School stadium field and reduce A. P. Croll's contract by whatever amount is incurred to complete the work. The motion passed unanimously (9-0).

BOARD OF EDUCATION REGULAR MEETING MINUTES

June 21, 2005

Page 11

ADJOURNMENT

It was moved by Dr. Hattier, seconded by Mr. Helms, to adjourn the meeting at 1:05 a.m. The motion passed unanimously (9-0).

Respectfully submitted,

Harvey L. Walls
President
Board of Education
Indian River School District

(Ms.) Lois M. Hobbs
Secretary and Superintendent
Board of Education
Indian River School District

HLW/LMH:jlh

EXHIBIT 19

MONA DOBRICH, et al.,

Plaintiffs,

VS.

Civil Action No. 05-cv-00120-JJF

HARVEY L. WALLS, et al.

Defendants.

Defendants Indian River School Board and Indian River School District

(“Defendants”), by counsel and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure hereby serve the following Objections and Responses to Plaintiffs’ First Interrogatories to Defendants propounded in the above-captioned action:

General Objections

1. Defendants object to the definitions and instructions to the extent they are overly broad, unduly burdensome and purport to impose obligations beyond the scope of Rule 26 of the Federal Rules of Civil Procedure, and/or beyond the scope of the Court's March 24, 2006 Order ("Court's Order") limiting discovery to only the School Board Prayer issue in this phase of the case. Specifically, Defendants object to Definition Nos. 5 and 10 as overly broad and beyond the scope of the Court's Order to the extent they attempt to expand the definition of School Board Prayer beyond the ordinary meaning of that phrase and beyond the limited issue as defined by the Court for discovery in this

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T-471 P.003/008 F-588

phase of the case. Defendants object to Definition No. 9 as overly broad, and encompassing numerous individuals not within the employment or control of Defendants.

2. Defendants object to these requests to the extent they seek personally identifiable information regarding other students, since this information is confidential and protected by the Family Education Rights Privacy Act ("FERPA"), 20 U.S.C. §1232g.

3. Defendants object to the discovery to the extent it seeks the disclosure of information and communications protected by attorney/client privilege, attorney work product doctrine, and/or other privileges and immunities.

4. Subject to these general and the following specific objections, when responding to these Interrogatories, Defendants expressly reserve the right: (a) to object to the admissibility at trial of any information produced in connection with such responses, and (b) to modify any of the said responses at a later date if further factual development or analysis warrants such a modification.

Defendants' General Objections are incorporated by reference into each specific interrogatory response.

Objections and Responses to Specific Interrogatories

1. Describe the content of any and all School Board prayers.

RESPONSE: The Board's prayer policy, including the nature of the prayers which may be delivered, is set forth in Policy BDA.1. The content of specific prayers is contained in some of the audio or videotapes of Board meetings, as well as in some of the documents produced in response to Plaintiffs' requests for production, though the tapes do not record many of them. Additional information concerning the nature or content of Board opening prayers is contained in paragraphs 3, 4 and 5 of the Declaration of Reginald Helms dated August 4, 2005, filed with the Court.

05-17-2006 09:06 From-SUPERINTENDANT

T-471 P.004/008 F-588

2. Describe any and all instances in which a School Board member or the School Board has invited, instructed or asked a student to attend a School Board meeting.

RESPONSE: Students are not instructed or required to attend any School Board meetings. Individual School Board members do not invite or ask students to attend School Board meetings. Students may be invited by their school principal to attend in recognition of some honor or achievement. For younger students, that invitation may be made by the principal to the student's parents. In addition, during some portions of the school year, a representative of the student government for the high schools may be invited by the principal to provide a brief update of activities to the School Board at its regular meeting. On a few occasions, students have been invited by the Superintendent to briefly perform a piece of music or some other work before the Board. In all of these situations, attendance of the students or his or her parents is completely optional.

3. Identify the person(s) responsible for preparing the agendas for School Board Meetings.

RESPONSE: The persons responsible for preparing the agendas for School Board meetings include the Superintendent, Board President, Board Vice President, and Board Secretary. Currently those individuals are:

- 1) Lois M. Hobbs, Superintendent
31 Hosier Street
Selbyville, DE 19975
- 2) Charles M. Bireley, Board President
31500 Norma Lee Court
Dagsboro, DE 19339
- 3) John M. Evans, Vice President
24359 Gravel Hill Road
Georgetown, DE 19947
- 4) Janet Hearn, Board Secretary
31 Hosier Street
Selbyville, DE 19975

4. Describe how the agendas for School Board Meetings are prepared.

RESPONSE: The Superintendent prepares the initial agenda draft after consulting with the staff. The basic outline of the agenda is taken from previous meetings and generally does not change. It begins with a Call to Order, then Roll Call, Approval of Agenda, Presentation of Colors and Approval of Minutes from previous meeting. The remaining

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T-471 P.005/008 F-588

portions of the agenda change with each specific meeting. Those sections may include, for example, lists of Visitors and Staff in Attendance, Public Comments, Old Business and New Business, Committee Reports, Admin Reports, Financial Reports, Board Communications, Staff Issues, Executive Session Agenda, Deferred Agenda Items, and Student Hearing Reviews which consist of a Board review of actions taken in earlier disciplinary hearings conducted by an administrative hearing officer. The Superintendent then submits the draft agenda to the Board President and Vice-President. The Board President and Vice-President communicate any suggested changes to the Superintendent, the agenda is then finalized, and is then posted.

5. Identify the religious faith or denomination of any and all School Board Members.

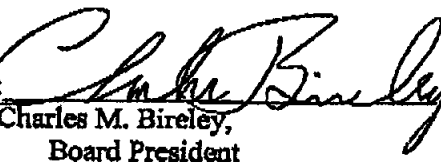
OBJECTION: Defendants object to this request as overly broad and not relevant or reasonably related to discovery of information admissible to any of the issues in this phase of the case, in accordance with the Court's March 24, 2006 Memorandum Order, which limits discovery to the School Board Prayer issue.

6. Describe any and all communications with Media concerning School Board Prayer, the Litigation or the Settlement Agreement.

RESPONSE: Defendants object to this interrogatory to the extent it is overly broad and beyond the scope of the Court's March 24, 2006 Memorandum Order, which limits discovery to the School Board prayer issue only at this time. Defendant further objects to this request as overly broad, unduly burdensome and vague to the extent it does not specify or limit the individual speakers about whom it seeks information.

Some information concerning contacts of Board members by members of the media concerning the issue of Board prayer is contained in the articles being produced by Defendants, although the references to statements by Board members contained therein are not complete or necessarily accurate.

INDIAN RIVER SCHOOL BOARD
INDIAN RIVER SCHOOL DISTRICT

By: 
Charles M. Bireley,
Board President

05-17-2008 09:06 From-SUPERINTENDANT

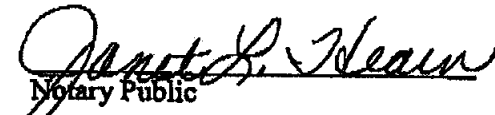
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T-471 P.008/008 F-588

STATE OF DELAWARE

COUNTY OF SUSSEX, to wit:

I hereby certify that on this ____th day of May, 2006, personally appeared Charles M. Bireley, known to me to be the person who executed the foregoing Responses to Plaintiffs' First Set of Interrogatories and having been duly sworn states that he is an official authorized to execute these responses on behalf of the Indian River School Board and Indian River School District, and that they are true and correct to the best of his knowledge and belief.


Notary Public

My Commission Expires:

2/13/2009

JANET L. HEARN
NOTARY PUBLIC
STATE OF DELAWARE
COMMISSION EXPIRES 2/13/2009



By:

Counsel

John D. Balaguer (Bar I.D. 2537)
824 North Market Street, Suite 902
P.O. Box 709
Wilmington, Delaware 19899-0709
(302) 467-4501

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T-471 P.007/008 F-588

John F. Cafferky, Esq.
William B. Porter, Esq.
Andrea D. Gemignani, Esq.
BLANKINGSHIP & KEITH
4020 University Drive, Suite 300
Fairfax, VA 22030

*Counsel for Defendants the Indian
River School Board, and the Indian
River School District*

Dated: May 15, 2006

06-17-2006 09:06 From-SUPERINTENDANT

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T-471 P.008/008 F-588

Certificate of Service

I certify that on the 12th day of May 2006, a copy of the foregoing Objections was
sent by electronic mail to :

Thomas J. Allingham II, Esq.
Robert S. Saunders, Esq.
One Rodney Square, P.O. Box 636
Wilmington, Delaware, 19899
Counsel for Plaintiffs



By: _____

Counsel

EXHIBIT 20

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, AUGUST 23, 2005 – 7:30 P.M.
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA - Regular and Executive – August 23, 2005
- IV. APPROVAL OF MINUTES
Board of Education Special Meeting Minutes – July 11, 2005
Board of Education Regular Meeting Minutes -- July 26, 2005
- V. VISITORS AND STAFF IN ATTENDANCE
- VI. PUBLIC COMMENTS
- VII. OLD BUSINESS
 - A. Major Capital Improvements Progress Report
 - B. School Choice Applications
- VIII. NEW BUSINESS
 - A. Accountability Ratings
 - B. Legislative Priorities – 2005-06
 - C. Bus Transportation Fees for Field Trips and Athletic Events

BOARD OF EDUCATION REGULAR MEETING AGENDA

August 23, 2005

Page 2

IX. COMMITTEE REPORTS AND APPOINTMENTS

- A. Administrative Compensation Committee
- B. Buildings & Grounds Committee
 - 1. Eagle Scout Project @ Long Neck Elementary School
 - 2. Millsboro Middle School Design Estimate
- C. Curriculum Committee
- D. DSBA Board of Directors Representative
- E. DSBA Legislative Committee Representative
- F. Finance Committee
- G. Mary Bailey Scholarship Committee
- H. Negotiations Committee
- I. Policy Committee
- J. Superintendent Search Committee
- K. IREA Representative

X. ADMINISTRATIVE REPORTS

- A. Mrs. Hobbs, Board Update
 - 1. Back to School Activities
 - 2. New Teachers
 - 3. All-Day Kindergarten Grant
 - 4. August 29 Kick Off
 - 5. SRO Contracts
 - 6. Wellness Center Surveys
 - 7. Curriculum Update
 - 8. U. S. Department of Education Student Mentoring Evaluation
 - 9. Schools' Dedication Dates

XI. FINANCIAL

- A. Regular Invoices
- B. Financial Summaries
- C. Major Capital Improvements Financial Summaries
- D. Major Capital Improvements Change Orders
- E. Major Cap Payment Authorizations
- F. Financial Position Report
- G. Bond Anticipation Note

BOARD OF EDUCATION REGULAR MEETING AGENDA

August 23, 2005

Page 3

XII. COMMUNICATIONS

- A. Conference Requests (None)
- B. Use of Facilities
 - 1. Use of Long Neck Elementary School Cafeteria by Harmony Church on October 8, 2005
- C. Correspondence
 - 1. Thank you note from Elaine McCabe
 - 2. Thank you note from Duncan Smith
 - 3. Thank you note from family of Robert Helms
 - 4. Thank you note from Reggie Helms
- D. Field Trips
 - 1. Overnight trip by Sussex Central High School Wrestling Team – December 2-3, 2005 to Wilson, PA
 - 2. Overnight trip by Sussex Central High School Wrestling Team – January 20-21, 2006 to Towson, MD
 - 3. Overnight trip by Sussex Central FFA Teams – September 15-18, 2005 to Springfield, MA
 - 4. Day trip by Southern Delaware School of the Arts Junior Thespian Troupe #88537 – October 4, 2005 to Manheim, PA
 - 5. Overnight trip by Indian River High School FFA Officers – October 5-6, 2005 to Worton, MD
 - 6. Overnight trip by Sussex Central High School FFA Officers – October 5-6, 2005 to Worton, MD
 - 7. Overnight trip by Sussex Central High School FFA Teams – October 25-29, 2005 to Louisville, KY
 - 8. Sunday trip by Sussex Central High School 11th & 12th Grade Art Students – December 4, 2005 to Baltimore, MD
 - 9. Overnight trip by Sussex Central High School Wrestling Team – December 16-18, 2005 to Newark, DE
 - 10. Overnight trip by Sussex Central High School Wrestling Team – December 27-29, 2005 to Greenville, DE
 - 11. Overnight trip by Sussex Central High School Wrestling Team – January 6-7, 2006 to Cockeysville, MD
 - 12. Overnight trip by Sussex Central High School Wrestling Team – February 20-21, 2006 to Newark, DE
 - 13. Overnight trip by Sussex Central High School FFA Team and Members – March 22-23, 2006 to Newark, DE

BOARD OF EDUCATION REGULAR MEETING AGENDA

August 23, 2005

Page 4

XIII. STAFF

- A. Personnel Agenda
- B. Personnel Addendum
- C. Secretarial Positions
- D. Projected Unit Count
- E. General Contractor/Construction Management Firm

XIV. PUBLIC COMMENTS

XV. EXECUTIVE SESSION

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

XVI. RECONVENE

XVII. CONSIDERATION OF AGENDA ITEMS DEFERRED

XVIII. ADJOURNMENT

LMH:jlh

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, AUGUST 23, 2005 – 7:30 P.M.
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

EXECUTIVE SESSION AGENDA

- I. PERSONNEL
 - A. Personnel Agenda
 - B. Personnel Addendum
 - C. Secretarial Positions
 - D. General Contractor/Construction Management Firm
 - E. Superintendent Search

- II. APPROVAL OF EXECUTIVE SESSION MINUTES
 - Board of Education Special Meeting Minutes – July 11, 2005
 - Board of Education Regular Meeting Minutes – July 26, 2005

- III. PENDING OR POTENTIAL LITIGATION
 - A. No. 05-01 PL

- IV. SUPERINTENDENT’S REPORT

LMH:jlh

EXHIBIT 21

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, SEPTEMBER 27, 2005 - 7:30 P.M.
INDIAN RIVER HIGH SCHOOL CAFETERIA

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA - Regular and Executive - September 27, 2005
- IV. PRESENTATION OF COLORS
- V. APPROVAL OF MINUTES
Board of Education Regular Meeting Minutes -- August 26, 2005
- VI. VISITORS AND STAFF IN ATTENDANCE
 - A. Phil Owen and Ernie Marino
Mountaire Farms Donation for Project VILLAGE
- VII. PUBLIC COMMENTS
- VIII. OLD BUSINESS
 - A. Major Capital Improvements
 - 1. Progress Report
 - B. School Choice Applications
 - C. Legislative Priorities – 2005-06
- IX. NEW BUSINESS
 - A. Resolutions
 - 1. National School Lunch Week – October 10-14, 2005
 - 2. National School Bus Safety Week – October 17-21, 2005
 - B. Waiver for Special Education Students at Sussex Central High School
 - C. District Accountability Rating
 - D. Social Studies/Science May 2005 Scores (8th & 11th Grades)

BOARD OF EDUCATION REGULAR MEETING AGENDA

September 27, 2005

Page 2

X. COMMITTEE REPORTS AND APPOINTMENTS

- A. Administrative Compensation Committee
- B. Buildings & Grounds Committee
 - 1. Renovation/Construction Schedules
SDSA/FE/JMC/PS
 - 2. Minor Cap Summer Work
 - 3. General Contractor/Construction Management
- C. Curriculum Committee
- D. DSBA Board of Directors Representative
- E. DSBA Legislative Committee
- F. Finance Committee
- G. Mary Bailey Scholarship Committee
- H. Negotiations Committee
- I. Policy Committee
- J. Superintendent Search Committee
- K. IREA Representative

XI. ADMINISTRATIVE REPORTS

- A. Mrs. Hobbs, Board Update
 - 1. School Visits
 - 2. Curriculum Update
 - 3. Elementary Class Size Report
 - 4. High School Dedications
Sussex Central High School – September 29, 2005
Indian River High School – October 5, 2005
 - 5. State Teacher of the Year Banquet – Tuesday, October 25, 2005
 - 6. Reminder – October Board Meeting – Tuesday, October 18, 2005

XII. FINANCIAL

- A. Regular Invoices
- B. Financial Summaries
- C. Major Cap Financial Summaries
- D. Major Cap Change Orders
- E. Major Cap Payment Authorizations
- F. Major Cap Final Payment Voucher Authorizations
- G. Affiliate Accounts Summary
- H. Lost Textbook Report
- I. Bond Anticipation Note

BOARD OF EDUCATION REGULAR MEETING AGENDA

September 27, 2005

Page 3

XIII. COMMUNICATIONS

- A. Conference Requests (None)
- B. Use of Facilities
 - 1. Use of Sussex Central High School Theater by Miss Delaware Scholarship Organization – March 17, 18, 19, 2006
 - 2. Use of Frankford Elementary School Cafeteria by Church of Try Jesus Anointed Ministries – October 15, 2005
- C. Correspondence (None)
- D. Field Trips
 - 1. Day trip by Sussex Central High School Take II Drama Club – October 5, 2005 to Cornwall, PA
 - 2. Day trip by Sussex Central High School Agriscience Classes – January 12, 2006 to PA
 - 3. Day trip by East Millsboro Elementary School Grade 3 Students – November 9, 2005 to Philadelphia, PA
 - 4. Day trip by Sussex Central Middle School Band – June 2, 2006 to Richmond, VA

XIV. STAFF

- A. Personnel Agenda
- B. Personnel Addendum
- C. Employee Leave Days
- D. Secretarial Positions
- E. Custodial Positions
- F. Employee No. 06-01 PER

XV. PUBLIC COMMENTS

XVI. EXECUTIVE SESSION

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

BOARD OF EDUCATION REGULAR MEETING AGENDA

September 27, 2005

Page 4

XVII. RECONVENE

XVIII. CONSIDERATION OF AGENDA ITEMS DEFERRED

XIX. STUDENT HEARINGS

- A. Student No. 06-01
- B. Student No. 06-02
- C. Student No. 06-03

XX. PENDING OR POTENTIAL LITIGATION

- A. No. 05-03 PL

XXI. ADJOURNMENT

LMH:jlh

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, SEPTEMBER 27, 2005 – 7:30 P.M.
INDIAN RIVER HIGH SCHOOL CAFETERIA

EXECUTIVE SESSION AGENDA

- I. PERSONNEL
 - A. Personnel Agenda
 - B. Personnel Addendum
 - C. Employee Leave Days
 - D. Secretarial Positions
 - E. Custodial Positions
 - F. General Contractor/Construction Management
 - G. Employee No. 06-01 PER
- II. APPROVAL OF EXECUTIVE SESSION MINUTES

Board of Education Executive Meeting Minutes – August 26, 2005
- III. STUDENT HEARINGS
 - A. Student No. 06-01
 - B. Student No. 06-02
 - C. Student No. 06-03
- IV. PENDING OR POTENTIAL LITIGATION
 - A. No. 05-01 PL
 - B. No. 05-03 PL
 - C. No. 06-02 PL
- V. SUPERINTENDENT'S REPORT

LMH:jlh

EXHIBIT 22

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, OCTOBER 18, 2005 – 6:00 P.M.
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA - Regular and Executive - October 18, 2005
- IV. EXECUTIVE SESSION (6:00 – 7:20 p.m.)
 - A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- V. RECONVENE (7:30 p.m.)
- VI. PRESENTATION OF COLORS
- VII. APPROVAL OF MINUTES
Board of Education Regular Meeting Minutes – September 27, 2005
- VIII. VISITORS AND STAFF IN ATTENDANCE
 - A. Delaware Mentoring Coordinator – Ryan Farrell
- IX. STUDENT GOVERNMENT
- X. PUBLIC COMMENTS
- XI. OLD BUSINESS
 - A. Major Capital Improvements
 1. Progress Report
 - B. School Choice Applications
- XII. NEW BUSINESS
 - A. American Education Week Resolution – November 14-18, 2005
 - B. Principals' Recognition Day – November 15, 2005

BOARD OF EDUCATION REGULAR MEETING AGENDA

October 18, 2005

Page 2

XIII. COMMITTEE REPORTS AND APPOINTMENTS

- A. Administrative Compensation Committee
- B. Buildings & Grounds Committee
- C. Curriculum Committee
- D. DSBA Board of Directors Representative
- E. DSBA Legislative Committee
- F. Finance Committee
- G. Mary Bailey Scholarship Committee
- H. Negotiations Committee
- I. Policy Committee
 - 1st Reading
 - BHA New Board Member Orientation
- J. Superintendent Search Committee
- K. IREA Representative

XIV. ADMINISTRATIVE REPORTS

- A. Mrs. Hobbs, Board Update
 - 1. School Visits
 - 2. Curriculum Update
 - 3. Debt Service Audit
 - 4. Change in Date of Field Trip by Sussex Central FFA from March 22-23, 2006 to March 29-30, 2006

XV. FINANCIAL

- A. Regular Invoices
- B. Financial Summaries
- C. Major Cap Financial Summaries
- D. Major Cap Change Orders
- E. Major Cap Payment Authorizations
- F. Major Cap Final Payment Voucher Authorizations

XVI. COMMUNICATIONS

- A. Conference Requests (None)
- B. Use of Facilities
- C. Correspondence
- D. Field Trips
 - 1. Day trip by Lord Baltimore Elementary School Grade 3 Students – November 30, 2005 to Philadelphia, PA

BOARD OF EDUCATION REGULAR MEETING AGENDA

October 18, 2005

Page 3

XVII. STAFF

- A. Assistant Principal Interviews
- B. Personnel Agenda
- C. Personnel Addendum
- D. September 30th Enrollment Report

XVIII. PENDING OR POTENTIAL LITIGATION

- A. No. 05-01 PL

XIX. PUBLIC COMMENTS

XX. EXECUTIVE SESSION

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

XXI. RECONVENE

XXII. CONSIDERATION OF AGENDA ITEMS DEFERRED

XXIII. STUDENT HEARINGS

- A. Student No. 06-05

XXIV. ADJOURNMENT

LMH:jlh

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, OCTOBER 18, 2005 – 6:00 P.M.
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

EXECUTIVE SESSION AGENDA

- I. PERSONNEL
 - A. Assistant Principal Interviews
 - B. Personnel Agenda
 - C. Personnel Addendum
 - D. September 30th Enrollment Report
- II. APPROVAL OF EXECUTIVE SESSION MINUTES
Board of Education Executive Session Meeting Minutes – September 27, 2005
- III. STUDENT HEARINGS
 - A. Student No. 06-05
- IV. PENDING OR POTENTIAL LITIGATION
 - A. No. 05-01 PL
 - B. No. 06-03 PL
- V. SUPERINTENDENT'S REPORT

LMH;jlh